

CRIMINAL JUSTICE ACT DEVELOPMENTAL PANEL PROCEDURES

GUIDELINES

The District Court Judges, in conjunction with the Magistrate Judges and the Indiana Federal Community Defender (“IFCD”), oversee a pilot program wherein attorneys who do not have the requisite experience for membership on the regular Criminal Justice Act Panel (*see*, 18 U.S.C. § 3006A) are eligible to assist a Federal Community Defender or member of the CJA Panel in a “second chair” capacity in order to gain the experience required to provide high quality representation to indigent defendants in federal court cases.

A. Administration of the Criminal Justice Act (“CJA”) Developmental Panel

1. **Indianapolis and Terre Haute:** Management of the Indianapolis and Terre Haute CJA Developmental Panels is centralized at the office of the IFCD. More information about the Developmental Panel is available at www.indianafederaldefender.org. The Federal Defenders, with the help of the CJA Panel members, will provide the CJA Developmental Panel Members with training and supervision.
2. **Evansville and New Albany:** The Evansville and New Albany CJA Developmental Panels are coordinated through the District Court Clerk’s Offices for the respective divisions. CJA Panel members will provide CJA Developmental Panel members with learning opportunities and experience.

B. The Selection Process

1. Application:

- a. **Indianapolis and Terre Haute:** Attorneys seeking membership on the CJA Developmental Panel must be in good standing in the Southern District of Indiana. Each applicant must demonstrate a strong interest in providing criminal defense services for the indigent. Applications, including a resume and cover letter, should be submitted to the office of the IFCD. The application is available on IFCD’s website at: www.indianafederaldefender.org. All qualified attorneys are encouraged to apply without regard to race, color, religion, gender, sexual orientation, age, national origin or disability condition. The responsibility for reviewing resumes and making recommendations to the District Court Judges

regarding membership on the Indianapolis and Terre Haute CJA Developmental Panels will reside with the CJA Panel Selection Committee.

- b. **Evansville and New Albany:** Attorneys seeking membership on the CJA Developmental Panel must be in good standing in the Southern District of Indiana. Each applicant must demonstrate a strong interest in providing criminal defense services for the indigent. Resumes, a letter of interest, and related materials for the Evansville CJA Developmental Panel should be submitted to, and will be maintained by, the U.S. District Court Clerk, 304 U.S. Courthouse, 101 Northwest MLK Boulevard, Evansville, IN 47708. Resumes, a letter of interest, and related materials for the New Albany CJA Developmental Panel should be submitted to, and will be maintained by, the U.S. District Court Clerk, 210 U.S. Courthouse, 121 West Spring Street, New Albany, IN 47150. All qualified attorneys are encouraged to apply without regard to race, color, religion, gender, sexual orientation, age, national origin or disability condition. The District Judges have the responsibility for reviewing resumes regarding membership on the Evansville and New Albany CJA Developmental Panels.
2. **Approval:** The District Court Judges will appoint individuals to the CJA Developmental Panels.
3. **Terms:** Once appointed, a member on the CJA Developmental Panel will serve a term of three calendar years. However, all CJA Developmental Panel attorneys will serve at the pleasure of the District Court Judges.

C. Obligations of the CJA Development Panel Members

CJA Development Panel members will be expected to keep current with developments in federal criminal defense law, practice and procedure. Members will be expected to attend continuing legal education (“CLE”) seminars (training sessions designated to keep members of the CJA panel current with criminal defense practice in the district) sponsored by the Indiana Federal Community Defender’s Office or the Defender Services Office of the Administrative Office of the U.S. Courts. In addition, all CJA Development Panel Members agree to read and abide by the [Seventh Circuit Standards of Professional Conduct](#), pursuant to S.D. Indiana Local Rule 83-5.

1. **Indianapolis and Terre Haute:** In order to maintain a position on the panel, members will be expected to enter an appearance as a member of the Developmental Panel on at least two cases per year and will be required to attend the annual CJA Panel Training, hosted by the Office of the Indiana

Federal Community Defenders. Attendance at monthly brown bag sessions is strongly encouraged.

2. **Evansville and New Albany:** In order to maintain a position on the panel, members will be expected to enter an appearance as a member of the Developmental Panel on at least two cases per year. In addition, on an annual basis, members are required to: 1) attend the annual CJA Panel Training, hosted by the Office of the Indiana Federal Community Defenders, in Indianapolis, or at any other location within the Southern District of Indiana; or 2) obtain a minimum of three (3) hours of CLE programming, approved for CLE credit by either Indiana or Kentucky, and focusing on the Criminal Justice Act or other federal criminal procedural practices.

D. Removal

The expectation is that a member of the panel will remain on the panel long enough to develop a comfort level with federal criminal defense work. The amount of time that will take may vary, based upon the number and complexity of cases worked. Members of the panel will be appointed for a three-year term, and after that time, continued membership will be evaluated by the Court and, for Indianapolis and Terre Haute members, by the CJA Panel Selection Committee.

Members of the panel may be removed from the program at any time. The decision to remove a member will rest with the District Court Judges in consultation with the Chief Federal Defender.

E. Assignment of Cases - Appointment Procedures

1. **Indianapolis and Terre Haute:** Upon receipt of a new case, and after appointment of an attorney from the office of the IFCD or a CJA Panel member, the case will be reviewed by the lead attorney to determine if a CJA Developmental Panel member should be appointed in a second-chair capacity. If the lead attorney determines that such appointment would be appropriate, the attorney will consult the Chief Federal Defender for approval. After approval, the CJA Developmental Panel member should file an appearance with the Court, noting the capacity as a CJA Developmental Panel member, in order to receive notice of electronic case filings.
2. **Evansville and New Albany:** Upon receipt of a new case and after appointment of a CJA Panel member, the assigned District Judge or Magistrate Judge will review the case and determine if is appropriate to appoint a CJA Developmental Panel member in a second-chair capacity. If deemed appropriate, the assigned Judge will direct the divisional Clerk's Office to

contact the appointed CJA Panel member and inquire if he/she is willing to allow a CJA Development Panel member to assist with the case. After the “lead” attorney has consented, the Clerk’s Office will provide the CJA Developmental Panel member with the pertinent information about the case, as well as contact information for the “lead” attorney. The CJA Developmental Panel member should file an appearance with the Court, noting the capacity as a CJA Developmental Panel member, in order to receive notice of electronic case filings.

F. Compensation and Expenses

1. **Compensation:** Members of the CJA Developmental Panel will be compensated as experts. The lead attorney on the case may claim compensation for services furnished by a member of the CJA Developmental Panel by submitting a CJA 21 Form. The rate paid for Developmental Panel work shall be \$90.00 per hour.

Without prior approval of the Court, total compensation may not exceed \$800.00. It will be necessary for the lead attorney to stay abreast of the work being provided by the Developmental Panel member and request additional funding from the Court if it becomes necessary. The statutory maximum payment for these services is \$2,400.00.

2. **Expenses:** The only reimbursable expenses allowed for a CJA Developmental Panel member are travel related expenses, such as mileage. Travel expenditures will be reimbursed at the current mileage rate prescribed for the federal judiciary employees at the time of the claim.

Any other expenses, such as expenses associated with experts of any kind, investigators, reproduction of transcripts/briefs, computer-assisted legal research, filing fees, *etc.*, are not reimbursable to any CJA Developmental Panel member. Rather, it will be the responsibility of the lead attorney to bear the expenses and seek reimbursement as appropriate and consistent with the Guidelines for the Administration of the Criminal Justice Act and related statutes.

3. **PACER:** CJA Developmental Panel members will be eligible to receive, free of charge, PACER services in CJA related matters. In order to take advantage of this service, the CJA Developmental Panel member will need to access the PACER website at: <http://pacer.psc.uscourts.gov> and complete the online registration form. CJA Developmental Panel members should, under “Firm Name,” type in his/her name followed by “CJA Panel Attorney.” Once the registration has been submitted, the CJA Developmental Panel will receive

his/her own ID number and password directly from PACER. CJA Developmental Panel members should be aware, however, that PACER services are monitored and that the use of the free services is for CJA related matters only. Any CJA Developmental Panel member who wishes to use PACER for non-related CJA matters must register under his/her own name and obtain a different account number.

4. Forms to be Used

- a. Indianapolis and Terre Haute:** Compensation for Developmental Panel members occurs through the national CJA voucher program. Under the voucher program, attorneys (other than appointed counsel) may be authorized to provide “other services” where necessary. Authorization for those services is requested on a Form CJA 21.

In order to get payment, the Developmental Panel member should track time and submit an invoice to the lead attorney who will then seek payment by submission of the Form CJA 21.

- b. Evansville and New Albany:** The forms and worksheets for compensation and reimbursement of travel expenses must be submitted on documents approved for use by the Clerk’s Office. CJA Developmental Panel members may obtain the appropriate forms and worksheets from the Finance Staff: Tricia Anderson (317) 229-3917 or tricia_anderson@insd.uscourts.gov; Kim Clark: (317) 229-3914 or kim_clark@insd.uscourts.gov.

- 5. Record Keeping:** Appointed CJA Developmental Panel members must maintain contemporaneous time and attendance records for all work performed. Such records, which may be subject to audit, must be retained for three years after approval of the final voucher for appointment.